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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 June 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/05/2006</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This is in response to application 10/582,517 filed on June 01, 2007 in which

claims 25-51 are presented for examination.

Status of Claims

2.   Claims 25-51 are pending, of which claims 25 and 38 are in independent form.

Claims Claim 51 is rejected under 35 U.S.C. 101. Claims 25-51 are rejected under 35

U.S.C. 103(a).

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Computer program product (does not define in the original disclosure, thus the broadest

reasonable interpretation of the claims are applied).

"The broadest reasonable interpretation of a claim drawn to [a computer program product can be

interpreted as] a computer readable medium (also called machine readable medium and other such

variations) typically covers forms of non-transitory tangible media and transitory propagating signals per

se in view of the ordinary and customary meaning of computer readable media, particularly when the

specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers

a **signal** per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject

matter. See In re Nuijten, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not

directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter

Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2."

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 25-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Best et al. (US 2004/0260680 A1) in view of Kopelman et al. (US 2002/0123989 A1).

6.   **Regarding claims 1-24**, (Canceled).

7.   **Regarding claim 25**, Best teaches a method for aggregating and monitoring

locally stored multimedia data, comprising: (i.e., aggregates of data elements are

referred to as "records" or "data structures." Aggregates of records are referred to as

"tables" or "files." Aggregates of files or tables are referred to as "databases."; [0029]).

Best teaches saving, in a first memory, at least one search term (i.e., the

example of FIG. 3 provides a personal search term list 300 in a search portal 334. A

`search portal` 334, as the term is used in this specification, means a data

communications server such as a web server that supports a personalized search index

500. The search portal 334 in the example of FIG. 3 includes a search engine 332

operating in dependence upon the personalized search index 500; [0069]).

Best teaches accessing over a network, by an arithmetic and logic unit, network nodes connected to source databases (i.e., as shown in FIG. 1 multiple systems comprised of processing units and arithmetic-logic circuits coupled to computer memory, which systems have the capability of storing in computer memory, which computer memory includes electronic circuits configured to store data and program instructions, programmed steps of the method of the invention for execution by a processing unit... In the example of FIG. 1, server 128 and server 104 are connected to network 102 along with storage unit 132; [0027] and [0063]).

Best teaches selecting data of the source databases based on the at least one search term (i.e., a further method for providing a personal search term list, also shown on FIG. 7, includes receiving from the user and adding 614 to the personal search term 300 list a keyword selected by the user 310 from within a document 134; [0116]).

Best teaches saving, in a second memory, at least one rating parameter in association with the at least one search term (i.e., FIG. 8 then includes retrieving a web document identified by the location URI in a navigation identification message and, to the extent that the web document includes keywords that are also in the personal search term list 300 for the user identified by the userID 304 in the navigation identification message, inserting into a personalized search index 500 new records for each such keywords. The new records have structure, for example, like that shown in FIG. 5, including the keywords 570, the userID 572, the URI where is found the document containing each keyword, and optionally a priority rating 574. If an index record already exists for a particular combination of keyword, userID, and URI, then the

method optionally includes taking other action, such as, for example, incrementing a

priority value; [0125]).

Best teaches determining and saving, in the second memory, at least one of the

source databases in association with the at least one search term, the association

including categories and/or groups of databases (i.e., personal search term list 300 is

implemented as a database table having two columns, one column for userIDs and one

for keywords. Storing 323 search keywords 315 in such a personal search term list 300

is carried out by inserting new records bearing the search terms and a userID. In such a

personal search term list, assuming an indexing engine that inserts all keywords from

navigation identification messages, the navigation identification message above may

result in the insertion of six new records in a personal search term list; [0111]).

Best teaches generating, based on the rating list and using a parameterization

module, variable mood quantities corresponding to time-based mood fluctuations in

users of the network, based on the detected data records (i.e., see FIG. 5 and FIG. 8;

inserting 320 index records 318 in a personalized search index 500 includes inserting

time stamps on the index records as shown at reference 578 on FIG. 5. As used in this

disclosure, the term "time stamp" refers to data encoding both the date and the time

when a navigation identification message 300 is received 316. The time stamps 578 in

the exemplary personalized search index 500 of FIG. 5 are shown with a precision of

0.1 seconds. That is, the time stamp on record 552, for example, shows that record 552

is derived from a navigation identification message that was received on Mar. 1, 2003 at

approximately 32.1 seconds after 7:15 a.m. local time in the time zone in which is

located the search portal on which the personalized search index 500 is installed. The

precision level of 0.1 seconds is chosen for this example because it provides a

resolution typically smaller than human response time in computer operations; [0083]).

However, Best does not explicitly disclose "using a filter module."

Meanwhile, Kopelman teaches a method for searching relevance document out

of a plurality of documents; [Abstract]. This is similar to Best teaching because of

personalized searching for information in a distributed data processing system including

providing in a search portal a personal search term list for a user, the personal search

term list comprising search keywords known to be of interest to the user; [Abstract]).

Furthermore, Kopelman modifies by Best teaches accessing the source

databases of the network nodes using a filter module of the arithmetic and logic unit, for

every rating parameter in connection with the at least one search term and the source

databases, to generate a rating list of detected data records corresponding to the at

least one associated search term and the at least one rating parameter (i.e., a system

for real time document filtering further consisting at least one module selected from a

group of modules consisting of: a message coordinator module adapted to coordinate

an handling of a plurality of information packets; a message buffer adapted to hold

temporarily the plurality of information packets; a message filter module for filtering the

plurality of information packets according to predefined rules; a term extractor module

for performing parsing and stemming on said plurality of information packets; a terms

filter for excluding real time terms according to predefined rules; a queries coordinator

module to coordinate the processing of client queries; a query-term extractor to parse

and stem incoming queries in order to extract and process operative query-terms; and a

query-terms filter for excluding specific query-terms in a predefined manner; [0057]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made, having the teachings of Best and Kopelman before him/her, to

modify the method of Best with the teaching of Kopelman to improves searching for

documents. The motivation to combine is apparent in Best's reference, because of a

personalized search index; (see Best, [0009]). Therefore, it would be advantageous to

eliminate unwanted search results from user searches in real-time; (see Kopelman,

[0012]). Best has the capability to eliminate irrelevant search result in real-time because

each of the index record comprising a time stamp; [0008].

8.   **Regarding claim 26**, Best teaches triggering a time-based entry and/or a

probability of a time-based entry of an expected incident, based on the time-based

mood fluctuations of the detected data records in at least one of the source databases,

categories, and groups of databases (i.e., as shown in FIG. 5 the Personalized Search

Index is triggering based on the time stamp which fluctuate based on the mood of the

users).

9.   **Regarding claim 27**, Best teaches wherein the expected incident includes an

expected class action (i.e., the new records have structure, for example, like that shown

in FIG. 5, including the keywords 570, the userID 572, the URI where is found the

document containing each keyword, and optionally a priority rating 574. If an index

record already exists for a particular combination of keyword, userID, and URI, then the

method optionally includes taking other action, such as, for example, incrementing a

priority value; [0125]).

10.   **Regarding claim 28**, Best saving the rating list in association with the detected

data records and/or references to the detected data records in a content module of the

arithmetic and logic unit, for user accessibility (i.e., FIG. 3 depicts an exemplary

software architecture in which methods, systems, and products may be implemented

according to embodiments of the present invention for personalized searching for

information in a distributed data processing system. The example of FIG. 3 provides a

personal search term list 300 in a search portal 334. A `search portal` 334, as the term

is used in this specification, means a data communications server such as a web server

that supports a personalized search index 500. The search portal 334 in the example of

FIG. 3 includes a search engine 332 operating in dependence upon the personalized

search index 500; [0069]).

11.   **Regarding claim 29**, Best teaches periodically checking, by the arithmetic and

logic unit, the variable mood quantities (i.e., creating 408 a response to a navigation

request message is carried out by retrieving (802), from user account data (610), the

last navigation time stamp (307) and retrieving (804) a navigation location (576) from

the personalized search index (500) in dependence upon the last navigation time stamp

(307) from the user account data and the navigation direction (406). Retrieving a

navigation location from the personalized search index is carried out by retrieving from

the personalized search index a navigation location from the first index record having a

time stamp later than the last navigation time stamp if the navigation direction is

`Forward`. If the navigation direction is `Back,` retrieving a navigation location from the

personalized search index is carried out by retrieving from the personalized search

index a navigation location from the first index record having a time stamp earlier than

the last navigation time stamp; [0098]).

Best teaches if at least one of the mood quantities lies beyond a fixable

fluctuation tolerance or a determinable expected value, saving and/or updating the

corresponding rating lists with the detected data records and/or references to detected

data records in the content module of the arithmetic and logic unit, for user accessibility

(i.e., creating 408 a response to a navigation request message also includes retrieving

(804) the document (806) identified by the navigation location, incorporating the

retrieved document into the response, and transmitting (412) the response (410),

including the document, to the user. The architecture of FIG. 4 includes a module that

updates 416 the last navigation time stamp 307 by storing in it the time stamp from the

personalized search index record whose location field value was used to retrieve the

document that was incorporated into the response. If the navigation direction was

`Forward,` therefore, the new value of the last navigation stamp 307 in the user account

307 is the next later time stamp value from the personalized search index records. If the

navigation direction was `Back,` the new value of the last navigation stamp 307 in the

user account 307 is set to the next earlier time stamp value from the personalized

search index records; [0099]).

12.   **Regarding claim 30**, Best teaches at least one of the rating parameters (i.e.,

priority rating 574; [0125].

     However, Best does not explicitly disclose "a lexicographical rating data bank."

     Meanwhile, Kopelman teaches generating, by a lexicographical rating data bank

(i.e., term Extractor 48 performs message parsing, stemming (finding the lexicographic

root) of the resulting tokens and extracts the tokens from the messages. The tokens are

transferred through a series of Terms Filters 49. Terms Filters 49 can change or discard

a token according to predefined parameters; [0120]).

     Therefore, the limitations of claim 30 are rejected in the analysis of claim 25

above, and the claim is rejected on that basis.

13.   **Regarding claim 31**, Best teaches dynamically generating, by the arithmetic and

logic unit, at least one of the rating parameters during the generating of the rating list

(i.e., as shown in FIG. 5, including the keywords 570, the userID 572, the URI where is

found the document containing each keyword, and optionally a priority rating 574;

[0125]).

14.   **Regarding claim 32**, Best generating the fluctuating mood quantities and/or the

data of the content module by at least one of HTML, HDML, WML, VRML, an ASD (i.e.,

"document" is any resource on any distributed data process system containing

information amenable to indexing and searching according to embodiments of the

present invention. Documents include static files in markup languages, such as static

HTML files, as well as dynamically-generated content such as query results and output

from CGI scripts and Java.TM. servlets, and output from dynamic server pages such as

Active Server Pages, Java Server Pages, and others; [0036]).

15.   **Regarding claim 33**, Best teaches creating a user profile on the basis of user

information, based on the saved detected data records and/or references to detected

data records a the content module (i.e., FIG. 3, a software module for providing 312 a

personal search term list 300 operates by inserting into a table in computer memory

records comprising a keyword 302 identified by one of the methods just mentioned,

along with a user identification 305; [0075]).

Best teaches generating user specifically optimized data, by a repackaging

module, according to the user profile (i.e., FIG. 3, a software module for providing 312 a

personal search term list 300 operates by inserting into a table in computer memory

record; [0075]).

Best teaches saving the user specifically optimized data in the content module of

the arithmetic and logic unit (i.e., saving the user specifically optimized data in the

computer memory; [0075]-[0076]).

16.   **Regarding claim 34**, Best teaches saving and allocating to the user, by the

arithmetic logic unit, different profiles for different communication devices of the user

(i.e., see FIG. 1 for different profiles for different communication devices of the user).

17.   **Regarding claim 35**, Best teaches automatically registering user behavior data,

by the arithmetic and logic unit; and saving the user behavior data in association with

the user profile (i.e., indexing systems that assign priority by counting the number of

times a navigation location 315 is received in navigation identification messages 300

may do so by incrementing a priority value 574 in every record bearing a particular

navigation location (represented as URIs 576 in the example of FIG. 5) every time a

navigation identification message 300 is received with that navigation location. In the

example of the web, this procedure has the effect of incrementing the priority value of

index records for a particular web document, resource, or web site, every time a user

visits the web site or requests the document or resource. The more often a user

accesses a particular web document, resource, or site, the higher its priority value

becomes; [0104]).

18.   **Regarding claim 36**, Best teaches saving, by a history module, the values for

every computed mood fluctuation quantity up to a definable past time (i.e., FIG. 4

illustrates an architecture useful for implementing searching according to personalized

navigation history. Personalized navigation history is taken in this disclosure as a

personalized search index bearing time stamps, thereby indicating the order in which

locations (URLs, URIs, and so on) in the index were traversed or navigated by a user.

Even more particularly, the architecture of FIG. 4 includes a module that receives 402 in

a in a search portal 334 from a user 310 a navigation request message 404 comprising

a navigation direction 406; [0094]).

19.   **Regarding claim 37**, Best teaches computing, by an extrapolation module of the

arithmetic logic unit, expected values of determinable mood quantities based on the

data of the history module for a determinable future time; and saving the expectation

values in the second memory of the arithmetic logic unit (i.e., using the web as an

example, users wishing to do so, therefore, may identify an interesting or useful series

of web sites or web documents accessible to browsers, note the start time, traverse the

sites in a desired sequence on a browser that sends navigation identification messages

to a search portal according to embodiments of the present invention, and create a

subset using the noted start time and end time as start and end points for the subset,

and thereby record the series of web sites or web documents in a fixed sequence that

can be accessed in that sequence repeatedly at any time in the future by the user or,

with the user's permission, depending on the security arrangements of a particular

search portal, by other users also; [0154]).

20.   **Regarding claim 38**, is essentially the same as claim 25 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

21.   **Regarding claim 39**, is essentially the same as claim 26 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

22.   **Regarding claim 40**, is essentially the same as claim 27 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

23.   **Regarding claim 41**, is essentially the same as claim 30 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

24.   **Regarding claim 42**, is essentially the same as claim 31 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

25.   **Regarding claim 43**, is essentially the same as claim 28 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

26.   **Regarding claim 44**, is essentially the same as claim 29 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

27.   **Regarding claim 45**, is essentially the same as claim 32 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

28.   **Regarding claim 46**, is essentially the same as claim 33 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

29.   **Regarding claim 47**, is essentially the same as claim 34 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

30.   **Regarding claim 48**, is essentially the same as claim 35 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

31.   **Regarding claim 49**, is essentially the same as claim 36 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

32.   **Regarding claim 50**, is essentially the same as claim 37 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

33.   **Regarding claim 51**, is essentially the same as claim 25 except that it sets forth

the claimed invention as a computer program product rather than a method and rejected

for the same reasons as applied hereinabove.

Conclusion

34.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Truong V. Vo whose telephone number is (571) 272-

1796. The examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m.. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre

Vital can be reached on (571) 272-4215. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 10, 2010

Truong Van Vo

/Truong V Vo/
Examiner, Art Unit 2156